

Remarks/Arguments

In response to Office Action dated September 18, 2006, claims 1 and 11 have been amended. New claims 13-18 have been added. The new claims 13-18 are supported by the original claims 10-11. Claims 1-5 and 10-18 are pending after entry of this amendment. Claim 1 is amended to delete wordings related to R³ and R⁴ being a portion of ring. Claim 11 is amended as suggested by the Examiner.

Specification

The old abstract of the disclosure was objected to because it did not commence on a separate sheet. A new abstract commencing on a separate sheet is included herewith to overcome this objection.

35 U.S.C. §112

In the Office Action, claims 1-4 and 10-12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse and request for reconsideration as far as it is applied to the amended claims.

Specifically, the Examiner objected to the wordings related to R³ and R⁴ forming a portion of a ring as being indefinite. Even though Applicants respectfully disagree with the Examiner on this point, to expedite the prosecution of this application, Applicants amend claim 1 by deleting these wordings from the claim 1. In addition, the Examiner felt that the phrase “A method for the therapy of pain” in claim 11 should be changed to “A method for treating pain.” Applicants amend the claim 11 as suggested by the Examiner. Withdrawal of this rejection is respectfully requested.

Double Patenting

Claims 1-4 and 10-12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending Application No. 10/530,499. Even though Applicants respectfully disagree with this rejection, to expedite the prosecution of the instant application, Applicants hereby include a

terminal disclaimer to obviate this rejection. Withdrawal of this rejection is respectfully requested.

Miscellaneous

Applicants would like to point out that Applicants revoked the previous Power of Attorney to Customer No. 52286 and granted new Power to Attorney to Customer No. 22466 with a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address filed on January 20, 2006. However, the record in PAIR still shows the old correspondence address. Applicants respectfully request the change of the correspondence address to that of Customer 22466.

Conclusion

Having now responded to all the Examiner's objections and rejections, Applicants believe that the pending claims are in condition for allowance and an Office Action so indicated is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 26-0166, referencing Attorney Docket No. 101102-1P US.

Respectfully submitted,

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